

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RANDY A. EVANS,  
Plaintiff,  
v.  
D. BAZE et al.,  
Defendants.

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 27 2017	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

3:17-cv-00491-MMD-VPC  
ORDER

**I. DISCUSSION**

On August 17, 2017, Plaintiff, a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1). On August 22, 2017, this Court issued an order denying Plaintiff's application to proceed *in forma pauperis* without prejudice to file a new application because Plaintiff's application had been incomplete. (ECF No. 3). On September 21, 2017, Plaintiff filed a new application to proceed *in forma pauperis*. (ECF No. 4). However, this application is also incomplete.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a fully complete application to proceed *in forma pauperis* on this Court's approved form or a properly executed financial certificate.<sup>1</sup> (See ECF No. 4). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be

---

<sup>1</sup> Plaintiff has not submitted pages 2 or 4 of this Court's application to proceed *in forma pauperis*.

1 granted one final opportunity to cure the deficiencies of his application to proceed *in forma*  
2 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file  
3 a new application to proceed *in forma pauperis* he must file a fully complete application to  
4 proceed *in forma pauperis*. If Plaintiff files another incomplete application to proceed *in forma*  
5 *pauperis*, the Court will dismiss the case in its entirety, without prejudice, to file a new case  
6 when Plaintiff is able to acquire the necessary documents to file a complete application to  
7 proceed *in forma pauperis*.

## 8 **II. CONCLUSION**

9 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*  
10 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

11 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
12 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document  
13 entitled information and instructions for filing an *in forma pauperis* application.

14 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
15 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
16 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or  
17 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
18 administrative fee).

19 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*  
20 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a  
21 new case when he is able to acquire the necessary documents to file a complete application  
22 to proceed *in forma pauperis*.

23 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
24 dismissal of this action may result.

25 ///

26 ///

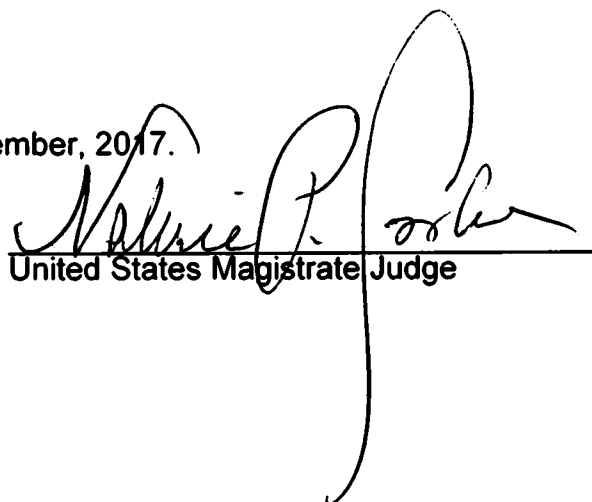
27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF No. 1-1), but shall not file it at this time.

DATED: This 27<sup>th</sup> day of September, 2017.

  
United States Magistrate Judge